

ZONING REVIEW SHEET**CASE:** C14-2007-0106**P.C. DATE:** August 14, 2007
August 28, 2007
September 25, 2007**ADDRESS:** 104 Ferguson Drive**APPLICANT:** Tan International Group (Alex Tan)**AGENT:** Land Answers
(Jim Wittliff)**REZONING FROM:** CS (Commercial services) and LO (Limited office)**TO:** CS-MU-CO (Commercial services – mixed use – conditional overlay)**AREA:** 8.118 Acres**SUMMARY PLANNING COMMISSION RECOMMENDATION:***September 25, 2007****APPROVED STAFF'S RECOMMENDATION FOR GR-MU-CO ZONING; BY CONSENT.******[S.KIRK, T.ATKINS 2ND] (8-0)*****SUMMARY STAFF RECOMMENDATION:**

Staff offers an alternate recommendation of GR-MU-CO. The recommended conditional overlay shall limit the daily vehicle trips to less than 2,000 per day, implement an 85 foot building setback from the easternmost property line, and prohibit the following land uses:

- Automotive washing;
- Automotive rentals
- Automotive sales
- Automotive washing (of any type)
- Commercial off-street parking;
- Funeral services;
- Outdoor sports and recreation;
- Residential treatment;
- Local utility services;
- Service station;
- Exterminating services;
- Hotel-motel;
- Outdoor entertainment;
- Community recreation (private)
- Community recreation (public);
- Off-site accessory parking; and
- Drop off recycling facility.

The Staff alternate recommendation is based on the following observations:

- 1.) The recommended zoning classification addresses land use compatibility as the less intensive uses are situated away from the existing elementary school;
- 2.) The transition of land uses will encourage a compatible mix of land use intensities complementary to the requested land use of multifamily development; and
- 3.) The recommended conditional overlay restrictions will deter incompatible uses for this area as it transitions in land uses.

DEPARTMENT COMMENTS:

The property lies within the North Lamar Planning area which will initiate a neighborhood plan for the area bounded by Braker Lane to the north, Rundberg Lane to the south, IH-35 to the east, and Lamar Boulevard to the west. The site consists of an 8.118 acre site located east of the existing Chinatown Commercial Center zoned CS and LO and accessed via Ferguson Lane. The site is currently partially undeveloped with the exception of a small farm on the site. The applicant seeks to

rezone the property to CS-MU-CO to allow for the redevelopment of this site for multifamily residential. The shape of the subject tract is related to past plans to extend Kramer Lane south eastward through the property. Plans to extend Kramer lane were abandoned and the road is currently not proposed for extension in this corridor at this time. The applicant agrees with the alternate Staff recommendation.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|-----------------------------------|
| <i>Site</i> | CS / LO | Undeveloped land / farm |
| <i>North</i> | LO | Undeveloped land |
| <i>South</i> | CS | Mix of retail and commercial uses |
| <i>East</i> | CS / IP | Golf driving range |
| <i>West</i> | CS | Chinatown Commercial Center |

NEIGHBORHOOD PLAN: North Lamar

TIA: N/A (See Transportation comments)

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

SCENIC CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

114--North Growth Corridor Alliance
 511--Austin Neighborhoods Council
 742--Austin Independent School District
 786--Home Builders Association of Greater Austin
 937--Taking Action Inc.

SCHOOLS:

Pflugerville Independent School District

- McBee Elementary School
- Westview Middle School
- John B. Connally High School

RELATED CASES: N/A

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---------------|---|---|---|
| C14-95-0108 | DR to W/LO | 11/28/95: TO APPRV GO-CO & W/LO-CO (6-1) | 01/04/96: APVD GO-CO (TR 1); W/LO-CO (TR 2) SUBJ TO COND (5-0); 1ST RDG 03/28/96: APVD GO-CO (TR 1); W/LO (TR 2) SUBJ TO CONDS (5-0); 2ND/3RD RDGS |
| C14-01-0037 | North Austin Civic Association Neighborhood Plan | 04/17/01: APVD STAFF REC OF NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP, | 05/24/01: APVD PC REC ON ALL 3 RDGS EXCEPT TR 9 (1ST RDG ONLY); (6-0) |

| | | | |
|-------------|-------------------------|--|--|
| | rezonings | (9-0) W/25' VEG BUFFER ON SOUTH BOUNDARY OF TR 19 | 08/09/01: TR 9: APVD CS-NP (7-0), 2ND/3RD RDG |
| C14-01-0116 | LO to CS | 01/22/02: APVD STAFF ALT REC OF CS-CO (8-0) W/CONDS | 02/28/02: APVD CS-CO W/OTHER CONDS (6-0); ALL 3 RDGS |
| C14-00-2022 | CS to CS-1 | 04/18/00: ZAP APVD STAFF REC OF CS-1 (5-1-1; BB-NAY, GW-ABSTAIN) | 05/11/00: DENIED CS-1 ZONING (6-1, SPELMAN-NAY) |
| C14-03-0182 | GO to GR-CO | 02/03/04: APVD STAFF ALT REC OF GR-CO BY CONSENT (9-0) | 03/04/04: APVD GR-CO (6-0); 1ST RDG ONLY 03/25/04: APVD GR-CO (7-0); 2ND/3RD RDGS |
| C14-05-0097 | GO to GR-CO | 02/03/04: APVD STAFF ALT REC OF GR-CO BY CONSENT (9-0) | 03/04/04: APVD GR-CO (6-0); 1ST RDG ONLY 03/25/04: APVD GR-CO (7-0); 2ND/3RD RDGS |
| C14-04-0209 | Cs and CS-CO to CS-1-CO | 03/01/05: APVD STAFF REC OF CS-1-CO W/CONDS (8-0) | 03/24/05: APVD CS-1-CO (7-0); ALL 3 RDGS |

ABUTTING STREETS:




| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Bus Routes |
|----------------|-----|----------|----------------|-----------|------------|--------------|
| Ferguson Drive | 57' | 21' | Local | No | No | Rt 1 - Lamar |

CITY COUNCIL DATE:

November 1, 2007

ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us



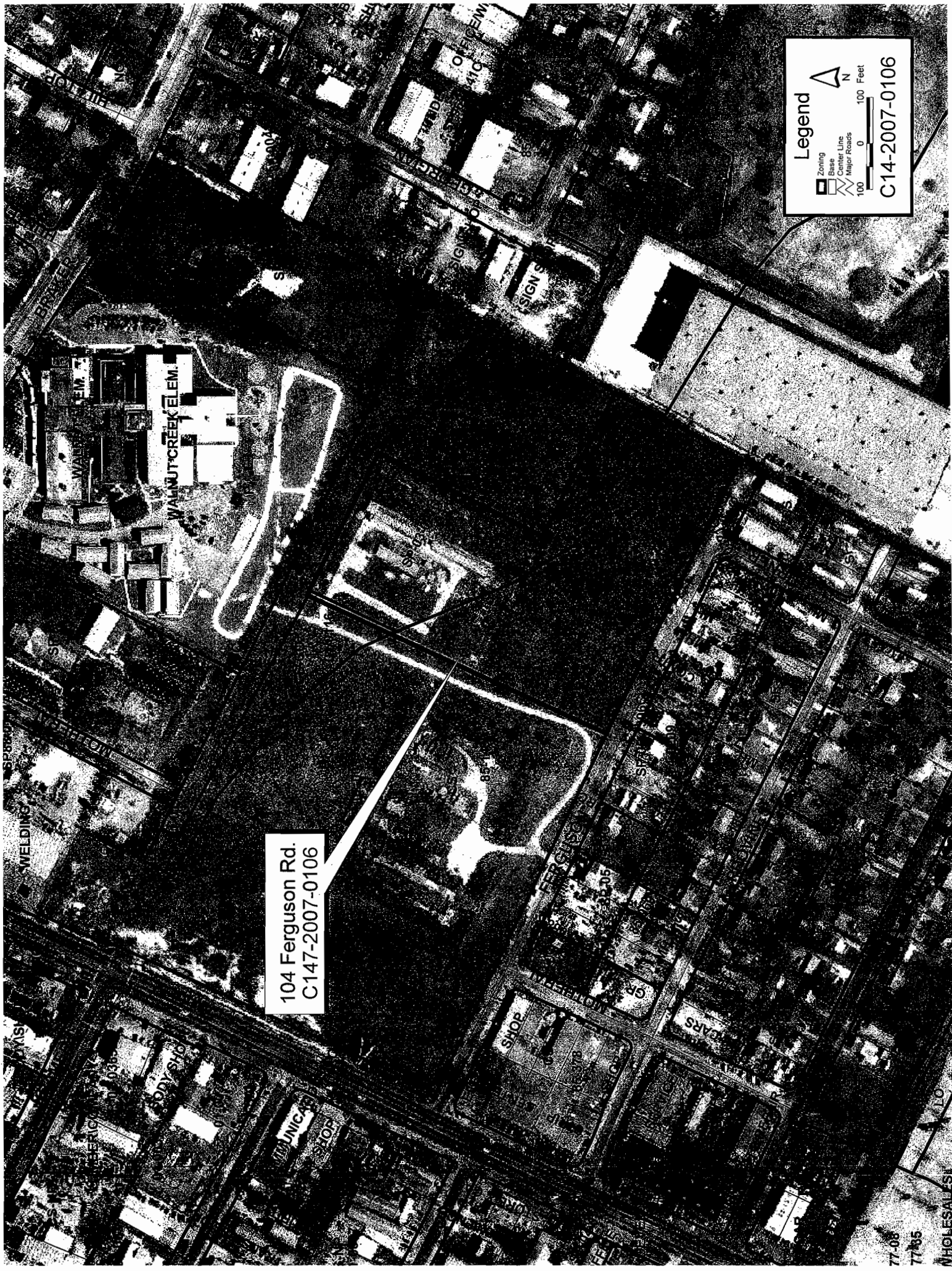
-
-  Subject Tract
 Zoning Boundary
 Pending Cases

ZONING CASE#: C14-2007-0106
ADDRESS: 104 FERGUSON RD
SUBJECT AREA: 8.118 ACRES
GRID: M31
MANAGER: J. ROUSSELIN



1" = 400' OPERATOR: SM

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104 Ferguson Rd.
C147-2007-0106

Legend

- Zoning
- Base
- Center Line
- Major Roads

100 0 100 Feet

C14-2007-0106

STAFF RECOMMENDATION

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BASIS FOR RECOMMENDATION

1. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The requested zoning does not match the desired land uses. Multifamily residential may exist on other less intensive zoning classifications. Therefore, Staff offers the alternate recommendation as outlined above.

2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The introduction of more intense zoning on such a large site for land uses which can be achieved under less intensive zoning classifications has the potential to infringe on the character of the area.

EXISTING CONDITIONS

Site Characteristics

The property lies within the North Lamar Planning area which will initiate a neighborhood plan for the area bounded by Braker Lane to the north, Rundberg Lane to the south, IH-35 to the east, and Lamar Boulevard to the west. The site consists of an 8.118 acre site located east of the existing Chinatown Commercial Center zoned CS and LO and accessed via Ferguson Lane. The site is currently partially undeveloped with the exception of a small farm on the site. The shape of the subject tract is related to past plans to extend Kramer Lane south eastward through the property. Plans to extend Kramer lane were abandoned and the road is currently not proposed for extension in this corridor at this time.

Transportation

1. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
2. No additional right-of-way is needed at this time.

Environmental

1. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

| <i>Development Classification</i> | <i>% of Net Site Area</i> | <i>% with Transfers</i> |
|--|---------------------------|-------------------------|
| Single-Family (minimum lot size 5750 sq. ft.) | 50% | 60% |
| Other Single-Family or Duplex | 55% | 60% |
| Multifamily | 60% | 70% |
| Commercial | 80% | 90% |

2. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
5. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:
 - Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.
6. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the

City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit..

Site Plan and Compatibility Standards

1. Site plans will be required for any new development other than single-family or duplex residential.
2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Compatibility Standards

1. The site is subject to compatibility standards. Along the South property line, the following standards apply:
 - No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
 - An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
2. Additional design regulations will be enforced at the time a site plan is submitted.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2007-0106

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 14, 2007 Planning Commission

JOSEPH E TRUCHARD

Your Name (please print)

301 + 303 FERGUSON ST

Your address(es) affected by this application

Joe E. Truchard 8-6-07

Signature

Date

Comments: SEE ATTACHED

COMMENTS

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

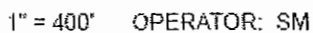
P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object



ZONING CASE#: C14-2007-0106
ADDRESS: 104 FERGUSON RD
SUBJECT AREA: 8.118 ACRES
GRID: M31
MANAGER: J. ROUSSELIN



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Dear Sirs

I object to the Zoning Change from CS to CS-CO-MU of the referenced tract for the following 10 reasons and because the zoning change is being requested to put in high density, low end housing units.

1. First, as low end apartments, it will bring in the undesirable elements that the apartments all up and down North Lamar have brought in. Crime is already at undesirable levels around the Rundburg and Kramer lane area.
2. Ferguson street can never be designed to carry the additional traffic because on one end it goes into a residential neighborhood, the other end it goes into an already too busy N. Lamar.
3. I don't believe the utilities can support the addition of a high density housing complex. My water pressure is already too low because of the China Town Development. I believe the sewer is also inadequate to serve a project of this nature.
4. It is next to a school which can little afford to have undesirables next to it.
5. It threatens the residential areas next door or across the street as the earlier rezoning for apartments in Quail Creek next to residential areas has done.
6. It will bring crime to our properties in the way of robberies, stabbings, shootings, arson, etc.
7. It will not service the areas as CS zoning does or would do Apartments will lower the value of our property across the street.
8. Rezoning makes for deception, the present owners bought and purchased property in the area based on the present zoning, now someone is trying to change those commitments and standards.
9. Traffic at Ferguson and Lamar is already impossible. Adding the traffic of high density housing will simply make this intersection dangerous at Lamar. Adding a light would not help because it would back up traffic at Kramer.
10. And finally it will not enhance the area as small community area service shops would.

Years ago I purchased a house in the Quail Creek Project. My lot was on the out boundary of a section and was to butt up to the high end Parks Condominiums with a green belt buffer between the residential homes and the condominiums. After the Quail Creek Section was built out and sold, the owner of the Parks property went to the city for a zoning change to put in instead apartments and duplexes, which butt up to my property. I have been fighting break-ins, shot out windows, swat teams in my back yard, truck break-ins and the like ever since. The City told us this would not happen when they granted that zoning change. And this will happen if this zoning change is granted.

City planners do not realize what they are creating when they allow zoning changes that allow apartments in the moderate to low end areas. With our present slum laws of which don't allow apartment owners to properly screen potential apartment dwellers, city leaders are creating crime scenes and gettos when they rezone in this way.

Respectfully,
Joe Truchard